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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/604,982

08/29/2003

Nadi Sakir Findikli

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EXAMINER

BALAOING, ARIEL A

ART UNIT

PAPER NUMBER

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/604,982	Applicant(s) FINDIKLI ET AL.	
	Examiner Ariel Balaoing	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11,16-20,26,27,29-33,36-40 and 43-58 is/are pending in the application.
- 4a) Of the above claim(s) 45-58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11,16-20,26,27,29-33,36-40, 43, and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

3. The indicated allowability of claims 7, 31, and 40 is withdrawn in view of the newly discovered reference(s) to HURST et al (US 2003/0224823 A1) in view of FREESE et al (US 5,148,472). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 5, 6, 10, 11, 18, 20, 26, 29, 30 36, 38, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by HURST et al (US 2003/0224823 A1).

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Regarding claim 1, HURST discloses a method of registering [OTA activation] a licensed module in a mobile device **100** (abstract), the method comprising: detecting the licensed software package in a processing platform in the mobile device being initially accessed by a user of the mobile device (Figure 5, 6, 8; paragraph 32, 35-37, 47-49, 56-58; subscription and software activation); collecting module parameters, the module parameters comprising at least a module identifier (paragraph 32, 35-37, 47-49, 56-58); assembling a registration message based on the detecting of the licensed software package being initially accessed, the registration message comprising at least the module identifier (paragraph 32, 35-37, 47-49, 56-58); and sending the registration message from the mobile device to a module registration system **710** corresponding to a destination address stored in the mobile device (paragraph 32, 35-37, 47-49, 56-58).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses further comprising receiving an acknowledgement message from the module registration system (paragraph 59).

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the sending of the registration message further comprises sending the registration message using a short message service (SMS) (paragraph 57, 61, 62).

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the registration message is a wireless application protocol (WAP) message and the sending of the

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registration message further comprises sending the registration message to a WAP server (paragraph 57, 61, 62).

Regarding claim 10, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the sending of the registration message further comprises sending the registration message using a short message service (SMS) (paragraph 57, 61, 62).

Regarding claim 11, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the registration message is a wireless application protocol (WAP) message and the sending of the registration message further comprises sending the registration message to a WAP server (paragraph 57, 61, 62).

Regarding claim 18, HURST discloses a mobile device **100** operable to register a licensed software package included therein (abstract), the mobile device comprising: means for detecting the licensed software package in a processing platform in the mobile device being initially accessed by a user of the mobile device (Figure 5, 6, 8; paragraph 32, 35-37, 47-49, 56-58; subscription and software activation); means for collecting module parameters, the module parameters comprising at least a module identifier (paragraph 32, 35-37, 47-49, 56-58); means for assembling a registration message based on the detecting of the licensed software package being initially accessed, the registration message comprising at least the module identifier (paragraph 32, 35-37, 47-49, 56-58); and means for sending the registration message from the

mobile device so that the registering of the licensed software package is substantially transparent to the user of the mobile device (paragraph 32, 35-37, 47-49, 56-58).

Regarding claim 20, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses further comprising means for receiving an acknowledgement message from the module registration system (paragraph 59).

Regarding claim 26, HURST discloses a mobile device **100** comprising: a radio frequency (RF) block for sending messages over a telecommunication network (Figure 5, 6, 8; paragraph 32, 35-37, 47-49, 56-58); and a processor platform for controlling the operation of the mobile device (paragraph 32, 35-37, 47-49, 56-58; a processing platform is inherently required in order to process over the air activation), the processing platform further comprising: at least one licensed software package including module parameters comprising a module identifier (paragraph 32, 35-37, 47-49, 56-58); and a module handler operable to collect the module parameters and cause a registration message to be assembled upon initial access of the at least one licensed software package by a user, the registration message comprising at least the module identifier in order to enable the registration of the at least one licensed software package (paragraph 32, 35-37, 47-49, 56-58); wherein the processing platform is further operable to cause the mobile device to send the registration message through the RF block to a module registration system **710** corresponding to a destination address stored in the mobile device so that the registering of the at least one licensed software

package is substantially transparent to the user of the mobile device (paragraph 32, 35-37, 47-49, 56-58).

Regarding claim 29, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the registration message is formatted for a short message service (SMS) (paragraph 57, 61, 62).

Regarding claim 30, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the registration message is a wireless application protocol (WAP) (paragraph 57, 61, 62).

Regarding claim 36, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the module handler is operable to retrieve a stored value for the destination address from the module parameters, and wherein the module handler further comprises a default value for the destination address (paragraph 45-48, 57-59).

Regarding claim 38, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the module handler is operable to retrieve a stored value for the destination address from the module parameters, and wherein the module handler further comprises a default value for the destination address (paragraph 45-48, 57-59).

Regarding claim 39, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the module handler is operable to retrieve a stored value for the destination address from the

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module parameters, and wherein the module handler further comprises a default value for the destination address (paragraph 45-48, 57-59).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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9. Claims 2, 8, 9, 16, 17, 19, 27, 32, 33, 37, 43, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over HURST et al (US 2003/0224823 A1) in view of GRUBE et al (US 5,517,568).

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HURST does not expressly disclose further comprising encrypting the registration message prior to sending the registration message. In the same field of the endeavor, GRUBE discloses encrypting a data message prior to sending the data message (abstract; col. 1, line 20-35). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HURST to include data encryption of outgoing messages, as taught by GRUBE, since the use of data encryption of transmitted data is well known and conventional in the art and is used to provide a security means between a wireless device and a system.

Regarding claim 8, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the sending of the registration message further comprises sending the registration message using a short message service (SMS) (paragraph 57, 61, 62).

Regarding claim 9, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the registration message is a wireless application protocol (WAP) message and the sending of the registration message further comprises sending the registration message to a WAP server (paragraph 57, 61, 62).

Regarding claim 16, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses further comprising selecting a delivery path for the registration message based on a delivery path parameter for the mobile device (paragraph 45-48, 57-59).

Regarding claim 17, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses further comprising selecting a delivery path for the registration message based on a delivery path parameter from among the module parameters (paragraph 45-48, 57-59).

Regarding claim 19, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HURST does not expressly disclose further comprising means for encrypting the registration message. In the same field of the endeavor, GRUBE discloses means for encrypting a data message (abstract; col. 1, line 20-35). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HURST to include data encryption of outgoing messages, as taught by GRUBE, since the use of data encryption of transmitted data is well known and conventional in the art and is used to provide a security means between a wireless device and a system.

Regarding claim 27, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HURST does not expressly disclose wherein the processor platform is further operable to cause encryption of the registration message prior to sending the registration message. GRUBE discloses wherein a processor platform is operable to cause encryption of a data message prior to

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sending the data message (abstract; col. 1, line 20-35). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HURST to include data encryption of outgoing messages, as taught by GRUBE, since the use of data encryption of transmitted data is well known and conventional in the art and is used to provide a security means between a wireless device and a system.

Regarding claim 32, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the registration message is formatted for a short message service (SMS) (paragraph 57, 61, 62).

Regarding claim 33, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the registration message is a wireless application protocol (WAP) (paragraph 57, 61, 62).

Regarding claim 37, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the module handler is operable to retrieve a stored value for the destination address from the module parameters, and wherein the module handler further comprises a default value for the destination address (paragraph 45-48, 57-59).

Regarding claim 43, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the processing platform is further operable to select a delivery path for the registration message based on a stored delivery path parameter for the mobile device (paragraph 45-48, 57-59).

Regarding claim 44, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the module parameter further comprises a delivery path parameter (paragraph 45-48, 57-59).

10. Claims 7, 31, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over HURST et al (US 2003/0224823 A1) in view of FREESE et al (US 5,148,472).

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although HURST states that various messaging protocols can be used for transmitting an activation message (paragraph 57), HURST does not expressly disclose wherein the message comprises a series of dual-tone-multi-frequency (DTMF) tones, the destination address is a telephone number, and the sending of the registration message further comprises making a telephone connection to the telephone number. FREESE discloses wherein a registration message comprises a series of dual-tone-multi-frequency (DTMF) tones, a destination address is a telephone number, and the sending of the registration message further comprises making a telephone connection to the telephone number (col. 10, line 3-32). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HURST to include DTMF registration, as taught by FREESE, since such a modification would allow HURST to use an established protocol format when communicating to a server.

Regarding claim 31, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although HURST states that various messaging protocols can be used for transmitting an activation message (paragraph 57), HURST

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does not expressly disclose wherein the message comprises a series of dual-tone-multi-frequency (DTMF) tones and the destination address is a telephone number. FREESE discloses wherein a registration message comprises a series of dual-tone-multi-frequency (DTMF) tones and a destination address is a telephone number (col. 10, line 3-32). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HURST to include DTMF registration, as taught by FREESE, since such a modification would allow HURST to use an established protocol format when communicating to a server.

Regarding claim 40, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the module handler is operable to retrieve a stored value for the destination address from the module parameters, and wherein the module handler further comprises a default value for the destination address (paragraph 45-48, 57-59).

Conclusion

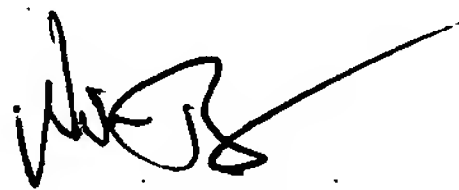
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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AB



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